

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: JAMES J. PAGLIUCA et al. Confirmation No.: 8425  
Serial No.: 10/665,754 Examiner: VICTOR X. NGUYEN  
Filed: SEPTEMBER 19, 2003 Group Art Unit: 3731  
Docket No.: 1291.1139101 Customer No.: 33469  
Title: SURGICAL TOOL FOR USE IN EXPANDING A CANNULA

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

MAIL STOP: Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE FOR ELECTRONIC TRANSMISSION:**

The undersigned hereby certifies that this paper or papers, as described herein, are being electronically transmitted to the U.S. Patent and Trademark Office on this 3rd day of February, 2010.

By

Rachel Gagliardi

Dear Sir:

This is in response to the Notice of Allowance and Fees Due mailed November 4, 2009, with a statutory period set to expire on February 4, 2010. With regard to the Examiner's statement of reasons for allowance, while Applicants believe that the claims are allowable, Applicants do not acquiesce that patentability resides in each feature, or a single feature, as exactly stated by the Examiner, or as exactly as expressed in the claims, nor that each feature is required for patentability. Applicants believe that there are additional reasons that the claims can be distinguished from the prior art, other than the reasons stated by the Examiner.

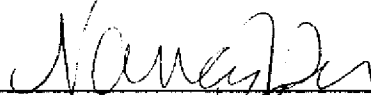
Respectfully submitted,

JAMES J. PAGLIUCA et al.

By their attorney,

Date:

2/3/10



Nancy J. Parsons, Reg. No. 40,364  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
Tel: (612) 677-9050 Fax: (612) 359-9349